

HOUSE BILL No. 1183

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-1.1-3-7.5.

Synopsis: Amended personal property tax return. Reduces from six months to three months the period for filing an amended personal property tax return.

Effective: January 1, 2002 (retroactive).

Herrell, Adams T

January 9, 2002, read first time and referred to Committee on Ways and Means.

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Introduced

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

HOUSE BILL No. 1183

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 6-1.1-3-7.5, AS AMENDED BY P.L.198-2001,
2 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JANUARY 1, 2002 (RETROACTIVE)]: Sec. 7.5. (a) A taxpayer may
4 file an amended personal property tax return, in conformity with the
5 rules adopted by the state board of tax commissioners (before the board
6 was abolished) or the department of local government finance, not
7 more than ~~six (6)~~ **three (3)** months after the later of the following:

8 (1) The filing date for the original personal property tax return, if
9 the taxpayer is not granted an extension in which to file under
10 section 7 of this chapter.

11 (2) The extension date for the original personal property tax
12 return, if the taxpayer is granted an extension under section 7 of
13 this chapter.

14 (b) A tax adjustment related to an amended personal property tax
15 return shall be made in conformity with rules adopted under IC 4-22-2
16 by the state board of tax commissioners (before the board was
17 abolished) or the department of local government finance.

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(c) If a taxpayer wishes to correct an error made by the taxpayer on the taxpayer's original personal property tax return, the taxpayer must file an amended personal property tax return under this section within the time required by subsection (a). A taxpayer may claim on an amended personal property tax return any adjustment or exemption that would have been allowable under any statute or rule adopted by the state board of tax commissioners (before the board was abolished) or the department of local government finance if the adjustment or exemption had been claimed on the original personal property tax return.

(d) Notwithstanding any other provision, if:

- (1) a taxpayer files an amended personal property tax return under this section in order to correct an error made by the taxpayer on the taxpayer's original personal property tax return; and
- (2) the taxpayer is entitled to a refund of personal property taxes paid by the taxpayer under the original personal property tax return;

the taxpayer is not entitled to interest on the refund.

(e) If a taxpayer files an amended personal property tax return for a year before July 16 of that year, the taxpayer shall pay taxes payable in the immediately succeeding year based on the assessed value reported on the amended return.

(f) If a taxpayer files an amended personal property tax return for a year after July 15 of that year, the taxpayer shall pay taxes payable in the immediately succeeding year based on the assessed value reported on the taxpayer's original personal property tax return. A taxpayer that paid taxes under this subsection is entitled to a credit in the amount of taxes paid by the taxpayer on the remainder of:

- (1) the assessed value reported on the taxpayer's original personal property tax return; minus
- (2) the finally determined assessed value that results from the filing of the taxpayer's amended personal property tax return.

Except as provided in subsection (k), the county auditor shall apply the credit against the taxpayer's property taxes on personal property payable in the year that immediately succeeds the year in which the taxes were paid.

(g) If the amount of the credit to which the taxpayer is entitled under subsection (f) exceeds the amount of the taxpayer's property taxes on personal property payable in the year that immediately succeeds the year in which the taxes were paid, the county auditor shall apply the amount of the excess credit against the taxpayer's property taxes on personal property in the next succeeding year.

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1 (h) Not later than December 31 of the year in which a credit is
2 applied under subsection (g), the county auditor shall refund to the
3 taxpayer the amount of any excess credit that remains after application
4 of the credit under subsection (g).

5 (i) The taxpayer is not required to file an application for:

6 (1) a credit under subsection (f) or (g); or

7 (2) a refund under subsection (h).

8 (j) Before August 1 of each year, the county auditor shall provide to
9 each taxing unit in the county an estimate of the total amount of the
10 credits under subsection (f) or (g) that will be applied against taxes
11 imposed by the taxing unit that are payable in the immediately
12 succeeding year.

13 (k) A county auditor may refund a credit amount to a taxpayer
14 before the time the credit would otherwise be applied against property
15 tax payments under this section.

16 SECTION 2. [EFFECTIVE JANUARY 1, 2002 (RETROACTIVE)]

17 **(a) IC 6-1.1-3-7.5, as amended by this act, applies to property taxes**
18 **first due and payable after December 31, 2002.**

19 **(b) This SECTION expires January 1, 2004.**

20 SECTION 3. An emergency is declared for this act.

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